

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DAVID HOUGHTON,

Plaintiff,

v.

STICKY MOLASSES LLC d/b/a/
BLACKSTRAP BARBEQUE,
CHRISTOPHER M. THOMPSON,
KATE L. ECONOMIDES,

Defendants.

C.A. No. _____

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendants Sticky Molasses LLC d/b/a Blackstrap Barbeque, Christopher M. Thompson, and Kate L. Economides (“Defendants”) hereby remove this action from the Boston Municipal Court, Suffolk County, to the United States District Court for the District of Massachusetts. In support of this Notice of Removal, Defendants state as follows:

1. Defendants were served with a civil action filed in Boston Municipal Court, Central Division, Suffolk County, captioned *David Houghton v. Sticky Molasses, LLC d/b/a Blackstrap Barbeque, Christopher M. Thomas, and Kate L. Economides*, Civil Action No. 22-01-CV-000471EF (the “BMC Action”). A copy of all pleadings and orders from the BMC Action received by Defendants are attached hereto as Exhibit A.

2. Defendant Sticky Molasses d/b/a Blackstrap Barbecue (“Blackstrap”) is a limited liability company with a principal place of business in Winthrop, Massachusetts. *See* Complaint and Jury Demand (“Complaint”), ¶ 2 (Exhibit A).

3. Defendant Christopher M. Thompson (“Thompson”) is a manager of Blackstrap and resides in Massachusetts.

4. Defendant Kate L. Economides (“Economides”) is a manger of Blackstrap and resides in Massachusetts.

5. Plaintiff David Houghton (“Houghton”) has sued Defendants under the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* (“FLSA”). *See* Complaint ¶¶ 27-33.

6. An action brought under the FLSA presents a federal question and, accordingly, the BMC Action is removable pursuant to 28 U.S.C. § 1441.

7. The original complaint in the BMC Action was filed on April 5, 2022. It was then served on Defendants on June 6, 2022. (*see* Exhibit B, email service by opposing counsel).

7. Based on these dates, this removal is timely as it was removed within thirty days of service of the initial pleading. *See* 28 U.S.C. § 1446(b)(1).

8. The BMC Action is a civil action alleging claims under the FLSA and laws of the Commonwealth of Massachusetts. *See* Complaint (Exhibit A). In particular, Houghton alleges in the Complaint that Blackstrap refused to pay wages under the Massachusetts Wage statute, refused to pay overtime under the Massachusetts Overtime statute (although this is not a valid claim as this case involves a restaurant) and the FLSA, violated the Massachusetts Tips Act, and violated Minimum Wage Law.

9. Defendants will file a Notice of Removal with the Clerk of the Boston Municipal Court (BMC) in Suffolk County.

12. Defendants have not yet answered or otherwise responded to the Complaint.

13. Defendants will serve written notice of the filing of this Notice of Removal on Houghton's counsel, as required by 28 U.S.C. § 1446(d). The only counsel who has appeared in the BMC Action is Houghton's counsel:

Lou Saban, Esq.
PO Box 672089
8 Garrison Street, #211
Boston, MA 02116

18. Pursuant to Local Rule 81.1(a), within twenty-eight (28) days of filing this Notice of Removal, Defendants will file certified or attested to copies of the state court record in this Court.

WHEREFORE, Defendants respectfully request that this case proceed before this Court as an action properly removed.

Respectfully Submitted,

STICKY MOLASSES LLC d/b/a BLACKSTRAP
BARBECUE, CHRISTOPHER M. THOMPSON,
AND KATE L. ECONOMIDES

By their counsel,

/s/ Samantha C. Halem

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Dated: June 14, 2022

CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2022, a true copy of this Notice of Removal was served via U.S. Mail, postage prepaid, upon counsel for the Plaintiff:

Lou Saban, Esq.
PO Box 672089
8 Garrison Street, #211
Boston, MA 02116

Counsel for Defendants.

By: /s/ Samantha Halem